

REMARKS

Claims 1-4 and 23 are pending in this application.

Claims 1 and 23 have been amended. Claim 24 has been added. No new matter has been added by the present amendment.

Rejection under 35 U.S.C § 102:

Claims 1, 3 and 4 stand rejected under 35 U.S.C § 102 (e) as anticipated by Wang et al. (US2002/0175419).

Amended claim 1 recites, *inter alia*, a number of the dummy patterns is substantially greater than a number of the marking patterns. In an exemplary embodiment of the present invention, substantially more dummy patterns (110) are formed on the substrate (100) as compared to the marking patterns (115). *See e.g.*, Fig. 4 of the present application. Applicants respectfully submit that Wang does not or suggest the above-claimed features. The Examiner states that Wang discloses dummy patterns (700) and marking patterns (900). Applicants disagree with the Examiner's assertion that components 900 are marking patterns because Wang discloses that components 900 are different dummy patterns. Even assuming, *arguendo*, that the components 900 are equated as marking patterns, the number of the components 900 is substantially the same as the number of the dummy patterns (700). (*See e.g.*, Fig. 3 of Wang, wherein the number of components 900 is six and the number of the dummy patterns (700) is six.)

Therefore, Applicants respectfully submit that claim 1 is not anticipated by Wang.

Claims 3 and 4 depend from claim 1. Claims 3 and 4 include the elements of the independent claim and therefore is not anticipated by the cited reference for at least the reasons given above.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 3 and 4 under 35 U.S.C § 102 (e) and claims 1, 3 and 4 are in condition for allowance.

Claim 23 stands rejected under 35 U.S.C. 102(b) as being anticipated by Kuroda (US2002/0061608).

Amended claim 23 recites, *inter alia*, a size of the marking patterns is smaller than a size of the dummy patterns. In an exemplary embodiment of the present invention, a size of marking patterns (215) is smaller than a size of the dummy patterns (210). *See e.g.*, Fig. 5 of the present application.

Applicants respectfully submit that Kuroda does not disclose or suggest the above-claimed features. In contrast to the claimed embodiment of the present application, in Kuroda, dummy patterns DP1 surrounding other dummy patterns DP2 are substantially larger than the dummy patterns DP2. *See e.g.*, Fig. 1 of Kuroda.

Therefore, Applicants respectfully submit that claim 23 is not anticipated by Kuroda.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection of claim 23 under 35 U.S.C § 102 (b) and claim 23 is in condition for allowance.

CLAIM REJECTION UNDER 35 U.S.C. § 103:

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Borst (US 6,693,357).

Claim 2 depends from claim 1. Claim 2 is believed to be patentable over the combination of Wang and Borst for at least the same reasons given above for the base

claim 1. Further, Borst does not cure the deficiencies of Wan in this regard. Accordingly, withdrawal of the 35 U.S.C. 103(a) rejection is respectfully requested.

For the foregoing reasons, the present application is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully requested. The Examiner is invited to contact the undersigned if he has any questions or comments in this matter.

Respectfully submitted,



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